IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE E/S Highfields Drive, 146.51' S of the c/l Trotters Ridge Court \* DEPUTY ZONING COMMISSIONER (15 Highfields Drive) \* OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District \* Case No. 93-50-A Robert E. Lyons, et ux Petitioners \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Robert E. and Cynthia A. Lyons. The Petitioners request relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to side lot line setback of 8 feet in lieu of the required 15 feet for a proposed sunroom addition window in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15 HIGHFIELDS DRIVE

hereto and made a part hereof, hereby petition for a Variance from Section(a)

Property is to be posted and advertised as prescribed by Zoning Regulations.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) UNDUE HARDSHIP: (1) We, the applicants, are unable to make reasonable use

read "NO WINDOWS ON LEFT SIDE." (ii) This hardship applies only to those houses built

of our property without a use variance. We received a permit for a sunroom which

in Baltimore County between 1971 and 1991. Other properties in the zoning district

built outside this time frame do not have this restriction. (iii) We did not design

this house nor have any input as to how it was situated on the property. We are the original owners of a RILAND subdivision house.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

the subject matter of this petition be set for a public hearing , advertised, as required by the Zoning Regulations of Baltimore County, in two

be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

Sec. 504 (V.B.6.b,C.M.D.P.) To permit an 8' window to side lot line in lies of

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $17^{77}$  day of September, 1992 that the Petition for Administrative Variance requesting relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to side lot line setback of 8 feet in lieu of the required 15 feet for a proposed sunroom addition window in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded and Petitioners would be required to file a new Petition.

> > - 2-

Deputy Zoning Commissioner for Baltimore County

TMK:bjs

ZONING DESCRIPTION FOR 15 HIGHFIELDS DRIVE

Beginning at a point on the EAST side of HIGHFIELDS DRIVE which is 76.70' wide at the distance of 146.51' SOUTH of the centerline of the nearest improved intersecting street TROTTERS RIDGE COURT which is 40' wide. Being LOT # 5, BLOCK 1, SECTION 1 in the subdivision of HIGHFIELDS AT ROLLING ROAD as recorded in Baltimore County Plat Book # 52, Folio # 101 containing 6,780 square feet. Also known as 15 Highfields Drive and located in the 1st Election District.

Location of Signe Facing too dway on fro forty of Pale hours

ZONNIG DEPARTMENT OF BALTIMORE COUNTY 93-50- 14 Positioner: Robert E + Cynthie # Lyons
Location of property: E/S High Fields Anilo, 146 57' 5/ Trother Roge of
15 / High Field Onivo



Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. & Mrs. Robert E. Lyons 15 Highfields Drive Baltimore, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE E/S Highfields Drive, 146.51' S of the c/l of Trotters Ridge Court (15 Highfields Drive) 1st Election District - 1st Councilmanic District Robert E. Lyons, et ux - Petitioners Case No. 93-50-A

September 17, 1992

Dear Mr. & Mrs. Lyons:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

Contract Purchaser/Less

(Type or Print Name)

Attorney for Petitioner:

Type or Print Name)

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 15 HIGHFIELDS DRIVE which is presently zoned RD 3.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Sec. 504 (V.B.6.b; C.M.D.P.) To permit an 8' window to side lot line in lieu of

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) UNDUE HARDSHIP: (1) We, the applicants, are unable to make reasonable use of our property without a use variance. We received a permit for a sunroom which read "NO WINDOWS ON LEFT SIDE." (11) This hardship applies only to those houses built in Baltimore County between 1971 and 1991. Other properties in the zoning district built outside this time frame do not have this restriction. (iii) We did not design this house nor have any input as to bow it was situated on the property. We are the Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		legal owner(s) of the property which is the subject of this Petition.  Legal Owner(s):
		ROBERT E. LYONS
		Some E Gan
		CYNTHIA A. LYONS
Otal	···	Cypthea a hims
State	Zipcode	Signature (41) 747-327
		(W) 551-043
<u> </u>	<del> </del>	Address Phone No
	•	BALTIMORE, MD 21228
	<del></del> _	City State Zi Name, Address and phone number of legal owner, contract purchaser or to be contacted.
Phone No.		CYNTHIA A LYONS
		(n) /4/-32/1
State	Zipcode	Addison HIGHFIELDS DRIVE (W) 551-0431
		BALTIMORE, MD 21228

**Zoning Commissioner of Baltimore County** 

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

September 14, 1992

RE: Item No. 43, Case No. 93-50-A Petitioner: Robert E. Lyons, et ux Petition for Administrative Variance

Dear Mr. Lyons:

Mr. & Mrs. Robert E. Lyons

15 Highfields Drive

Baltimore, MD 21228

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

the required 15'.

93-50-A 43

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

ALL HIGHFIELDS DRIVE (W) 551-0431

BALTIMORE, MD 21228

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

10th day of August, 1992

DIRECTOR

Petitioner: Robert E. Lyons, et al Petitioner's Attorney:

DEPRM STP TE

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature 09/08/92 Project Name File Number Waiver Number Allan L. Snyder Et. Al. Adela M. Lombardi And Florence Kunsky DEPRM Process Helaine G. And Melvin R. Trosch In process Baltimore Country Club of Baltimore City E. And Cynthia A. Lyons No comments Perring Woods Court Corporation mprocess Perring Woods Court Corporation Helen Mooney Murphy In process Michael E. Turley James Enterprises No connects DEPRM STP TE White Marsh Joint Venture DEPRM Written Comments

Development Review Committee Respons	Applic Services)	08/27/92		
Authorized signature Derma a. A	anned.	Date <u>3/31/92</u>		
Project Name File Number Waiver Number	Zoning Issue	Meeting Date		
Stonegate at Patapsco (Azreal P 90476 ZON DED TE (Waiting for developer	•	6-1-92 t)		
COUNT 1				
James And Linda Heier				
DED DEPRM RP STP TE	35	8-24-92 NC		
Allan L. Snyder Et. Al.				
DED DEPRM RP STP TE	36	NC		
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DED DEPRM RP STP TE	37	NC		
Adela M. Lombardi And Florence	Kunsky	•		
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/ Baltimore Country Club of Balti	-			
DED DPERM RP STP TE	40	NC		
Robert E. And Cynthia A. Lyons				
DED DEPRM RP STP TE		NC		
Perring Woods Court Corporation				
DED DPERM RP STP TE	44	NC		
/ Perring Woods Court Corporation				
DED DPERM RP STP TE	45	NC		
Helen Mooney Murphy		=======================================		
DED DPERM RP STP TE	46	NC		
Michael E. Turley		======================================		
DED DEPRM RP STP TE	47	Comment		

Baltimore County Government

700 East Joppa Road Suite 901 Towson, MD 21204-5500

AUGUST 24, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

ROBERT E. LYONS AND CYNTHIA A. LYONS. Location:

#15 HIGHFIELD DRIVE

Item No.: \*43 (RT) Zoning Agenda: AUGUST 24, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group
Special Inspection Division Fire Prevention Bureau

JP/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: August 28, 1992 Zoning Administration and Development Management

Ervin Mc Daniel

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

In reference to the Petitioner's request, staff offers no comments on the following items:

Item No. 35 Item No. 38

Item No. 39

Item No. 46 Item No. 43 Item No. 57

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EMcD:rdn

NOCOMMT/ZAC1

Development Review Authorized signatu	re willin f.	D. IP	!	Date
Project Name File Number	Waiver Number	Zoni	ng Issue	Meeting Date
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Department of Recreation and Parks

Development Review Committee Response Form

Authorized signature

Date 8/3/14 Project Name File Number Waiver Number Zoning Issue Meeting Date Robert E. And Cynthia A. Lyons 8-24-92 DED DEPRM RP STP TE / Perring Woods Court Corporation ED DPERM RP STP TE Perring Woods Court Corporation DED DPERM RP STP TE Helen Mooney Murphy DED DPERM RP STP TE / Michael E. Turley DED DEPRM RP STP TE James Enterprises DED DEPRM RP STP TE White Marsh Joint Venture DED DEPRM RP STP TE Salvo Realty, Inc. ED DEPRM RP STP TE DED DEPRM RP STP TE Robert T. and Lorri A. Burgess DED DPERM RP STP TE Chester L. And Virginia J. Farley DED DEPRM RP STP TE Mark Allan Claypoole DED DPERM RP STP TE Ritz Enterprises DED DEPRM RP STP TE

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning AUGUST 28, 1992

(410) 887-3353

Robert and Cynthia Lyons 15 Highfields Drive Baltimore, Maryland 21228

111 West Chesapeake Avenue

Towson, MD 21204

LOCATION: E/S Highfields Drive, 146.51' S of c/l Trotters Ridge Court 15 Highfields Drive

1st Election District - 1st Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

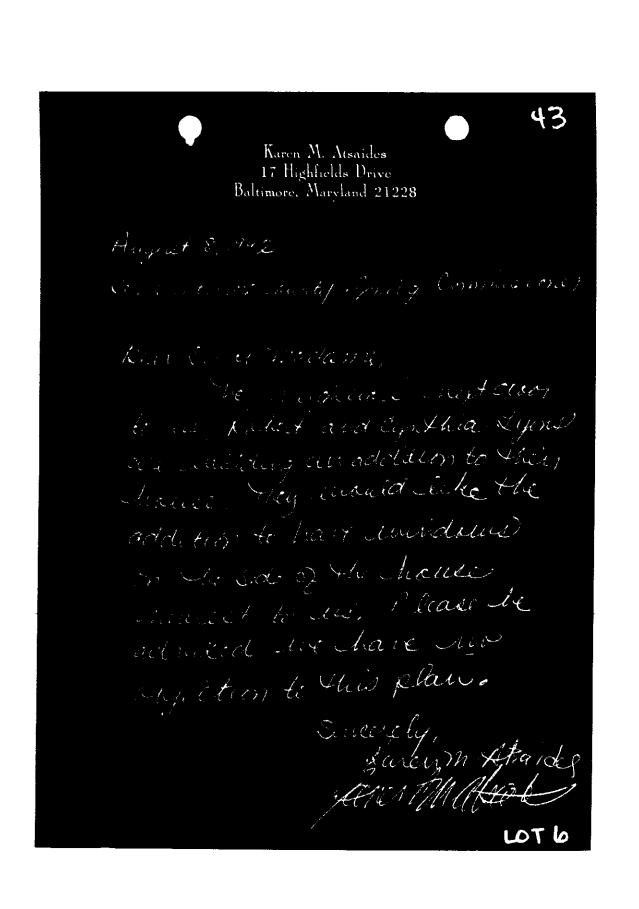
Your property will be posted on or before August 30, 1992. The closing date is September 14, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

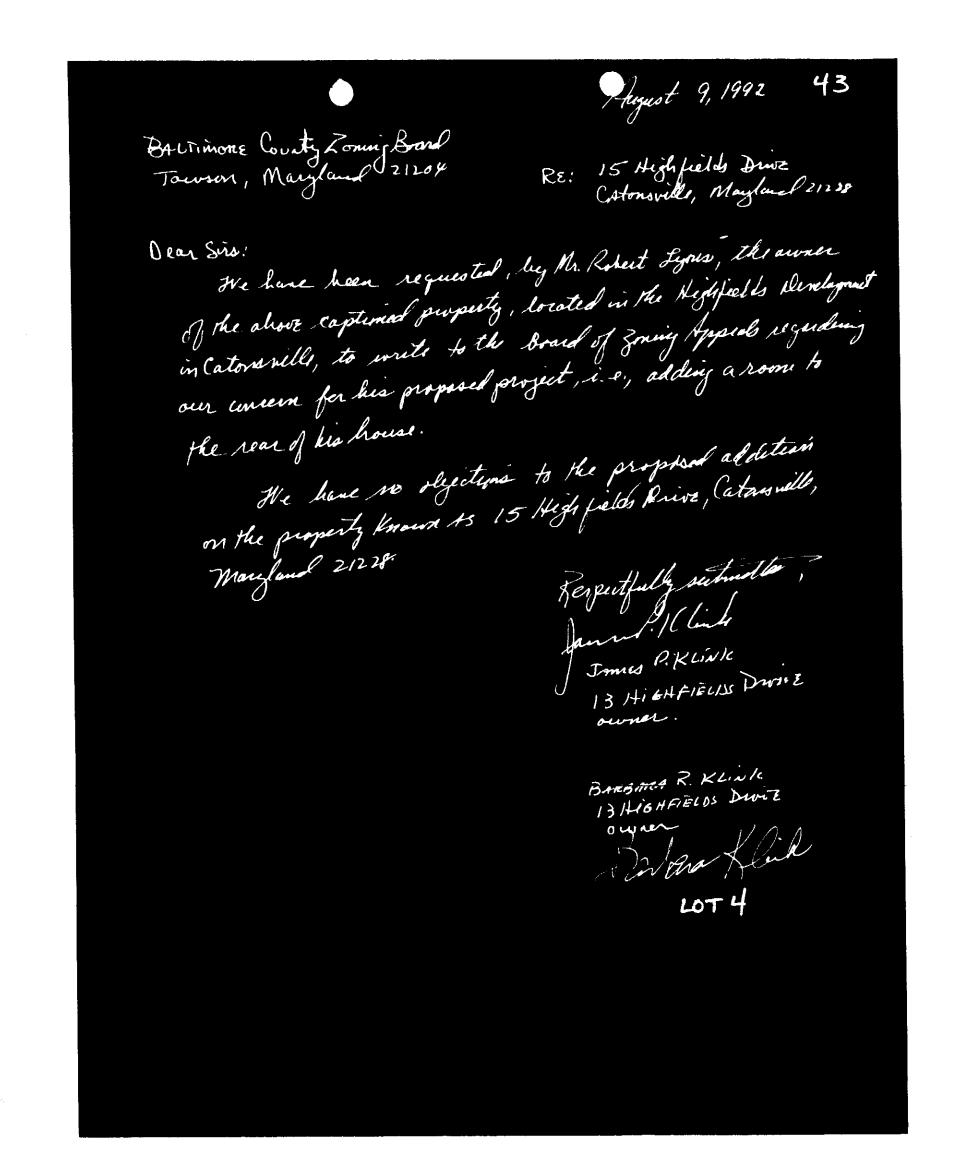
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

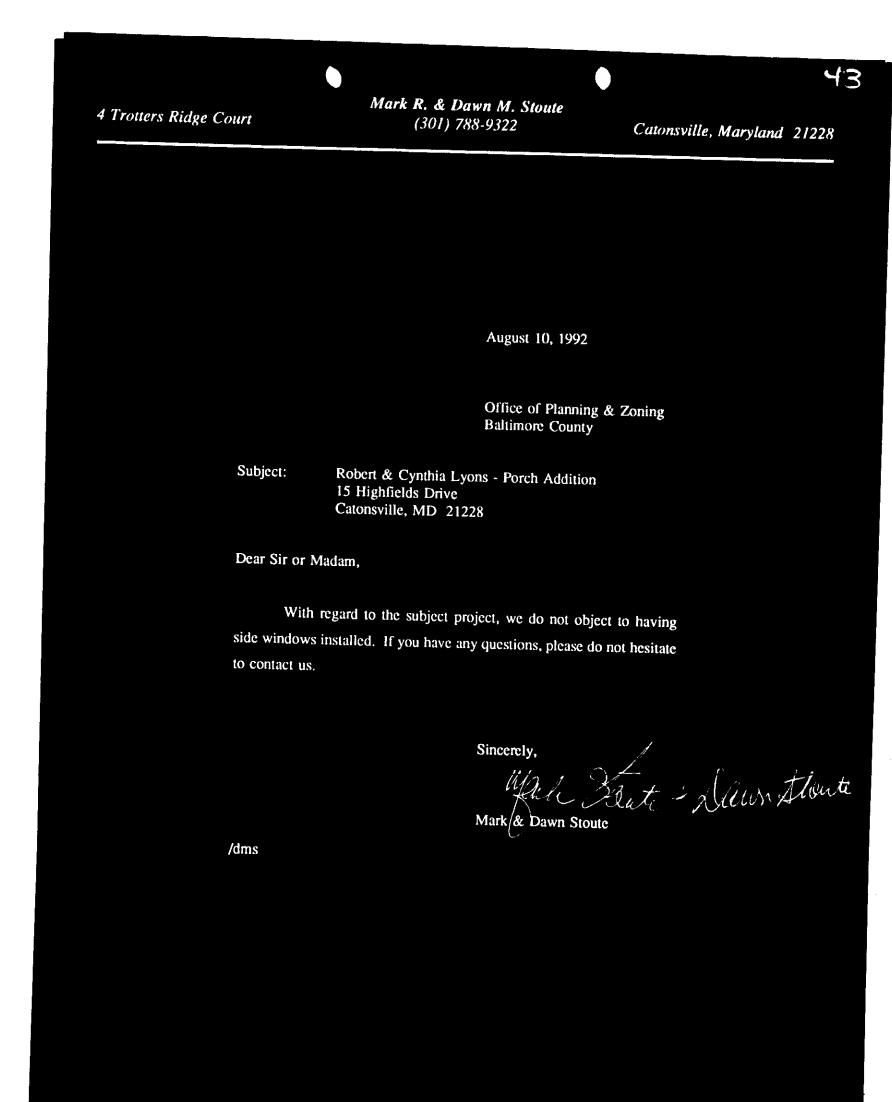
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

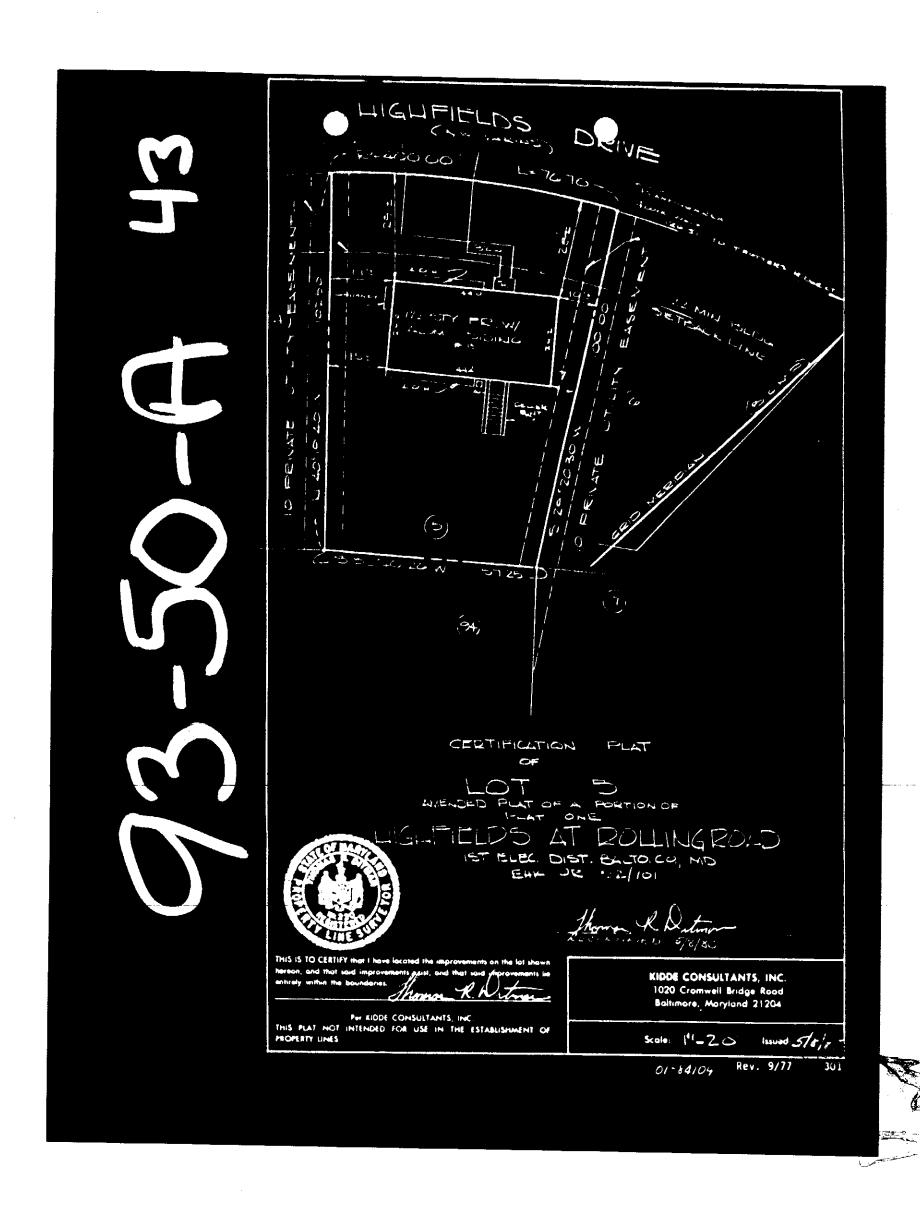
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

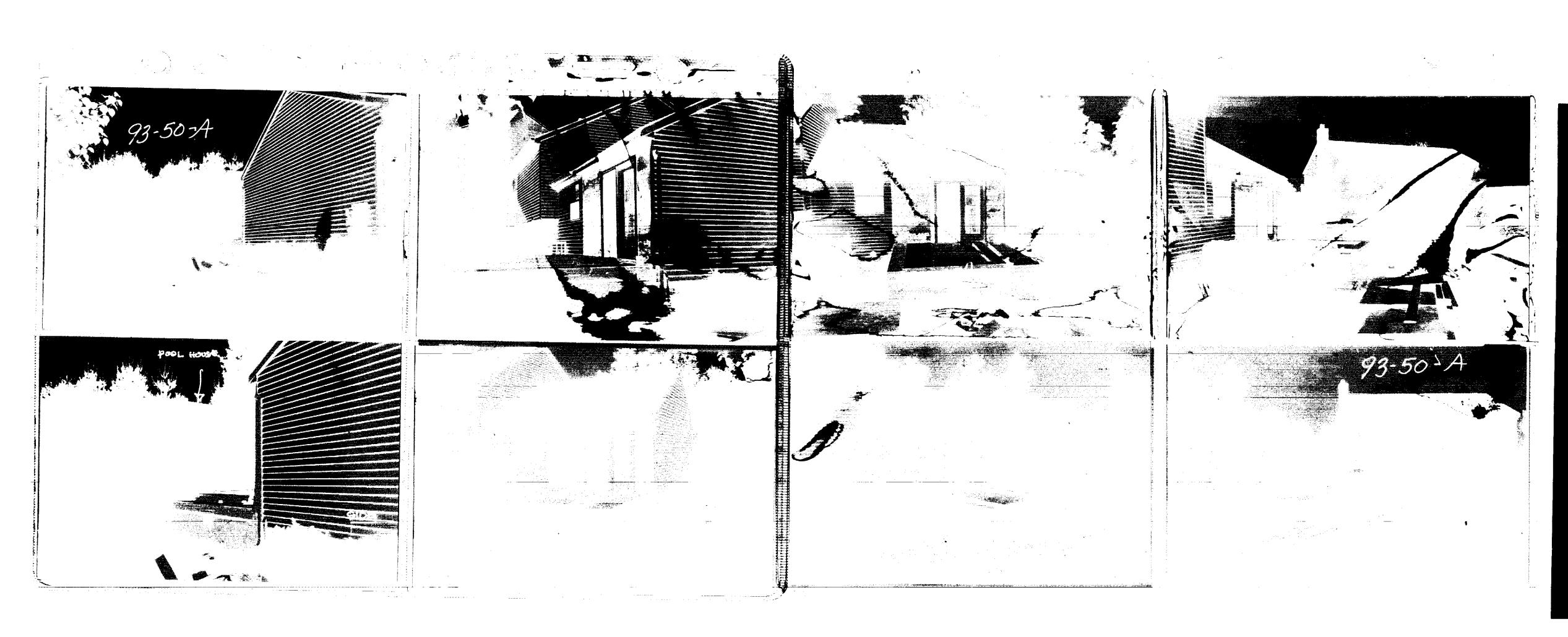
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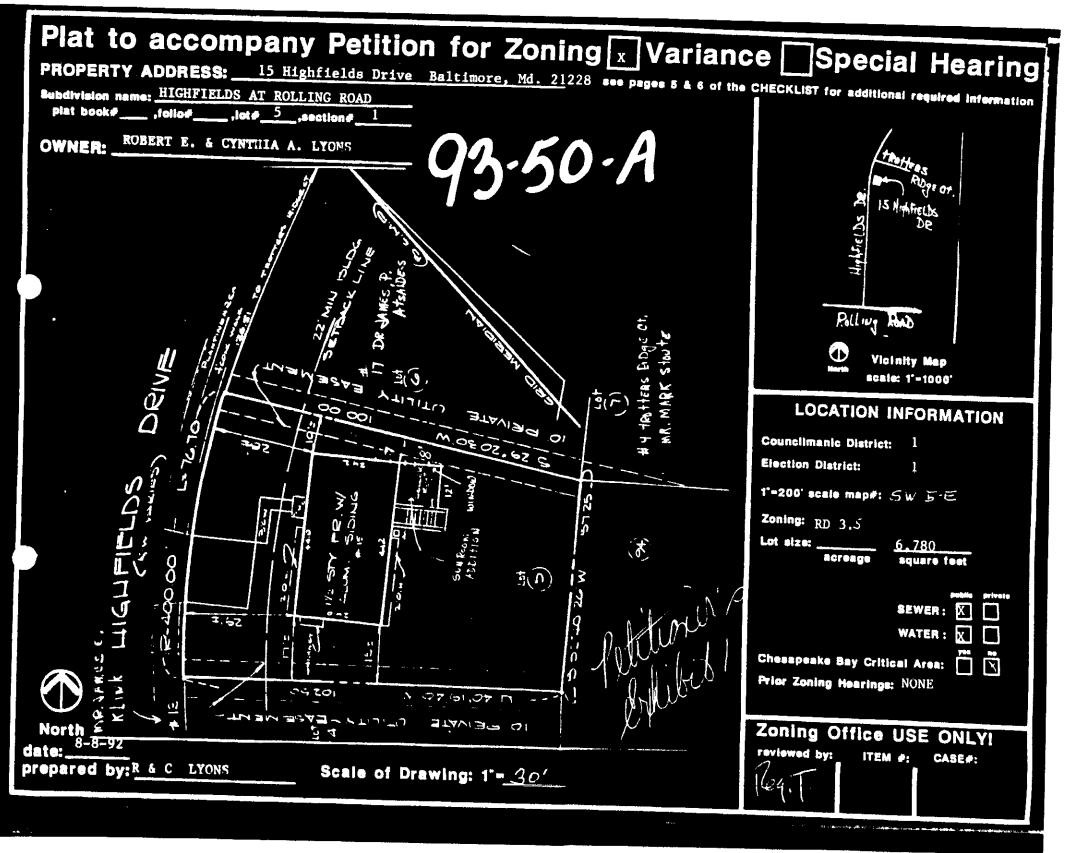


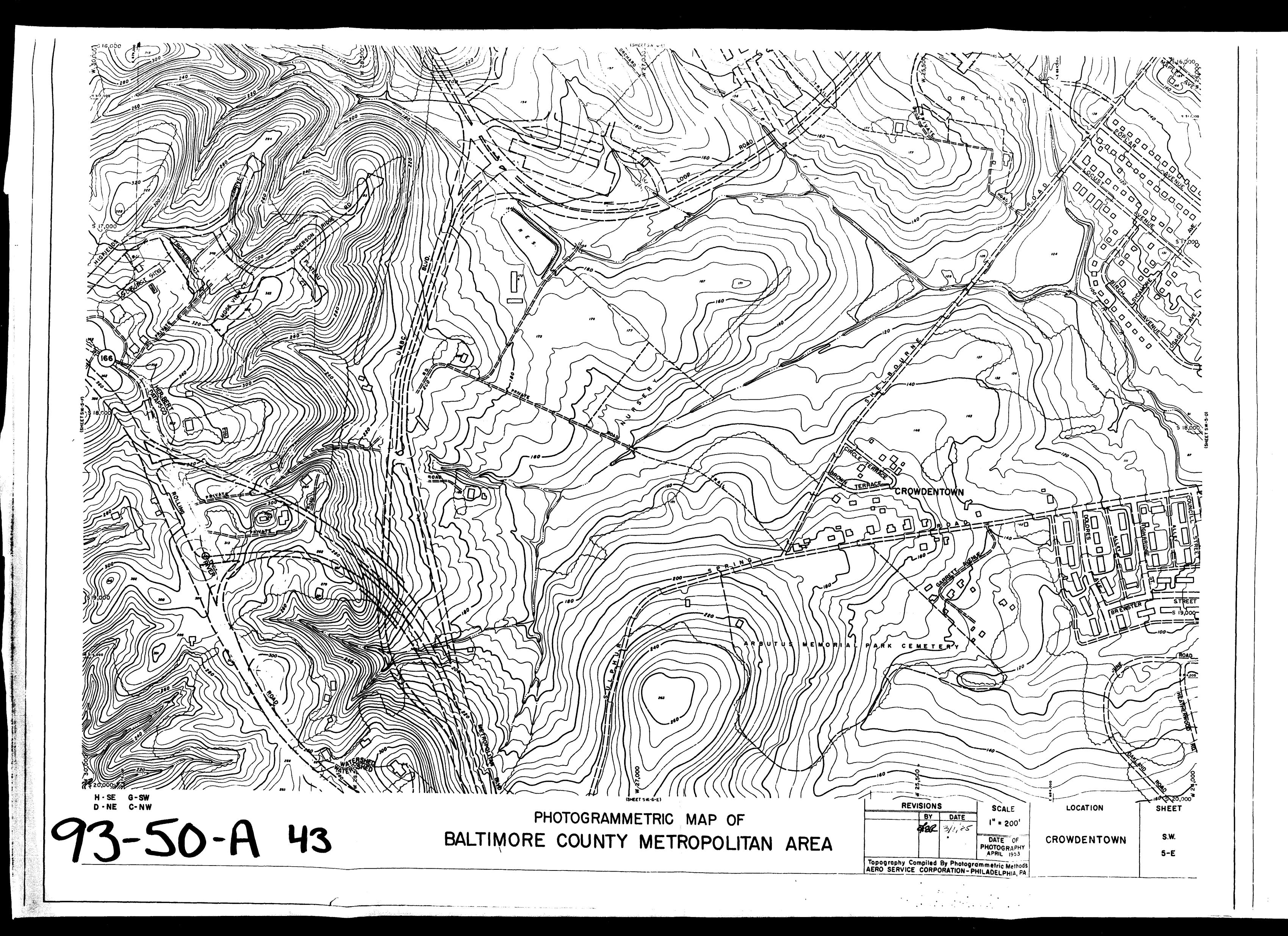














BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
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DATE
OF
PHOTOGRAPHY

PREFARED BY AIR PHOTOGRAPHICS INC.
MAR INSBURG W.V. 2510: